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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,723	03/17/2000	Robert Giannini	JARB.003PA	3072

7590 03/12/2003
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EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/527723

Applicant(s)

Gierhni

Examiner

Sax

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 12/24/02
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

1. This application has been examined.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajaraman et al (6366910) and Jacobi et al (6317722).

4. Regarding claim 1, Jacobi et al show linking an online viewer to a host site and selecting a structure (shopping cart) in response to a viewer command (Figure 6, column 2 lines 32-45, column 3 lines 39-55, column 5 lines 22-30); using the host site links the viewer to an article provider site and passes images (item information) from that site for view by the viewer (Figure 3, column 12 lines 27-48), closets partial data sets respectively corresponding to the articles (column 12 lines 25-35, column 11 lines 5-20), and generates a new merged image of the different articles and the shopping cart site (Figures 5, 6, column 3 lines 1-25, column 5 lines 23-30). Jacobi et al do not go into the specific details that the images from the article provider sites

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are in fact images of the articles themselves, but do show passing descriptive information of the articles. Furthermore, Rajaraman et al show online viewing of an article of another structure (Figure 1A). The images of the articles themselves are passed to a host site via the web (Figures 1A, 1B, column 3 lines 55-58 and column 4 lines 45-55) to give descriptive information. It would have been obvious to a person with ordinary skill in the art to pass the image of the article in Jacobi et al, because it would provide a convenient way of passing descriptive information of an article in an online shopping system.

5. Regarding claims 2-3, Rajaraman et al show size and style codes (Figure 1B, column 3 lines 25-40).

6. Claims 4-10 and 16-17 show the same features as above and are rejected for the same reasons.

7. Regarding claims 11-13, Jacobi et al show the cart is arranged to limit accessibility based on space and time limit (column 5 lines 25-35).

8. Regarding claims 14-15, the time limit may be set by the viewer or determined from viewer financial payments (Jacobi et al column 5 lines 25-33).

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9. Regarding claims 18-20, Jacobi et al show for example in column 8 lines 1-15 different shopping items. The Examiner takes Official Notice that apparel is a typical shopping item, and it would have been obvious to a person with ordinary skill in the art to have that be viewed in Jacobi et al, because it would be a convenient shopping item to view.

10. Applicant's arguments filed have been fully considered but they are not persuasive. The host site and article provider site may be different in Jacobi et al. The motivation to combine references in fact is present in the references themselves. Jacobi et al point out passing descriptive information for an article in an online shopping system, and this motivation is met through Rajaraman. Applicant is invited to contact Examiner at 703-305-9582 to discuss claim interpretation.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

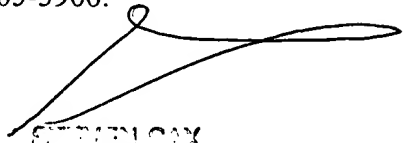
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


STEVEN COX
PRIMARY EXAMINER